



# Journal of the Senate

State of Indiana

115th General Assembly

First Regular Session

Fifteenth Meeting Day

Thursday Afternoon

February 8, 2007

The Senate convened at 1:45 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Marvin D. Riegsecker.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Boots	Meeks
Bowser	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Deig	Nugent
Delph	Paul
Dillon	Riegsecker
Drozda	Rogers
Errington	Simpson
Ford	Sipes
Gard	Skinner
Heinold	Smith
Hershman	Steele
Howard	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman
Kruse <input checked="" type="checkbox"/>	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 63: present 49; excused 1. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 147, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MEEKS, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 163, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 185, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 212, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 247, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 279, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 2.

BRAY, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill 293, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LAWSON, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill 38, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-22-2-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2007]: **Sec. 2.5. "Consolidated purchase" means the purchase of multiple supplies or services from one (1) vendor.**

SECTION 2. IC 5-22-2-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2007]: **Sec. 2.7. "Committee" refers to the committee for the purchase of products and services established under IC 16-32-2-2."**

Page 1, line 8, delete "Before" and insert "**Except as provided in subsection (d), before**".

Page 1, line 10, delete "the director of the" and insert ":

(A) the committee; or

(B) a person designated by the committee;

that no".

Page 1, delete line 11.

Page 1, run in lines 10 through 12.

Page 1, after line 15, begin a new paragraph and insert:

"(d) If a purchasing agent issues a solicitation for a consolidated purchase of supplies or services, or both, the purchasing agent shall do either of the following:

(1) Require vendors to purchase:

(A) supplies;

(B) services; or

(C) both supplies and services;

from a catalog of a qualified agency kept by the committee.

(2) Establish scoring standards to ensure participation in the solicitation by a qualified agency.

SECTION 4. IC 5-22-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Supplies and services purchased under this chapter must:

(1) meet the specifications and needs of the purchasing governmental body; and

(2) be purchased at a fair market price as described under subsection (b).

(b) A fair market price under this section must cover for the qualified agency the costs of raw materials, labor, overhead, and delivery cost. In determining the fair market price, the

purchasing agent shall use one (1) or more of the following:

(1) Available information from reliable market sources.

(2) A market survey from a person designated by the committee.

(3) Previous contract prices.

(4) The range of bids from the most recent solicitation, including a determination of:

(A) the median price of the bids;

(B) the average price of the bids; and

(C) any market conditions or specifications that have changed since the most recent solicitation.

(c) Once a fair market price is established, the fair market price must remain the same until the committee approves a new price under IC 16-32-2-7."

Renumber all SECTIONS consecutively.

(Reference is to SB 38 as printed January 30, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

RIEGSECKER, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 45, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 41, strike "or", begin a new line double block indented and insert:

"(J) an attempt or conspiracy to commit a crime listed in clauses (A) through (I); or

(K) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (J)."

Page 5, line 17, after "(b)," insert "the prosecuting attorney may request the court to conduct a hearing to determine whether the person is a sexually violent predator under subsection (a). If the court grants the motion,".

Page 5, line 17, strike "consult with a" and insert "appoint".

Page 5, line 18, strike "board of experts consisting of".

Page 5, line 18, strike "board certified".

Page 5, strike lines 20 through 21 and insert "evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychiatrists or psychologists, the court shall determine whether the person is a sexually violent predator under subsection (a). A hearing conducted under this subsection may be combined with the person's sentencing hearing."

(Reference is to SB 45 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

STEELE, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which

was referred Senate Bill 125, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 31, after "proceedings" insert "**or order the convicted person's wages, salary, and other income garnished in accordance with IC 24-4.5-5-105**".

(Reference is to SB 125 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 134, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 8, delete "fifty (50) individuals use the services or facilities" and insert "**thirty (30) pieces of motorized physical fitness equipment are provided for use by individuals.**".

Page 2, delete line 9.  
(Reference is to SB 134 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 166, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 7 through 10, begin a new line block indented and insert:

- "(1) Search and rescue missions designated by the Air Force Rescue Coordination Center.**
- (2) Disaster relief, when requested by the federal or state emergency management agency.**
- (3) Humanitarian services, when requested by the federal or state emergency management agency.**
- (4) United States Air Force support designated by the First Air Force, North American Aerospace Defense Command."**

Page 2, delete lines 18 through 21, begin a new line block indented and insert:

- "(1) Search and rescue missions designated by the Air Force Rescue Coordination Center.**
- (2) Disaster relief, when requested by the federal or state emergency management agency.**
- (3) Humanitarian services, when requested by the federal or state emergency management agency.**
- (4) United States Air Force support designated by the First Air Force, North American Aerospace Defense Command."**

(Reference is to SB 166 as introduced.)

and when so amended that said bill do pass.  
Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill 181, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 13, delete "one (1) year;" and insert "**two (2) years;**".

(Reference is to SB 181 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: Yeas 11, Nays 0.

RIEGSECKER, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 271, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 29, delete "causing suicide (IC 35-42-1-2);".

Page 2, line 30, delete "(C)".

Page 2, run in lines 29 through 30.

Page 2, line 30, after "(IC 35-42-1-3);" insert "**or**

**(C) another criminal act, if the death does not result from the operation of a vehicle; and**".

Page 2, delete lines 31 through 35.

Page 2, line 36, after "(2)" insert "**the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable likelihood that**".

Page 2, line 36, delete "has been arrested in" and insert "**committed the offense;**".

Page 2, delete line 37.

Page 4, line 12, delete "causing suicide (IC 35-42-1-2);".

Page 4, line 13, delete "(C)".

Page 4, run in lines 12 through 13.

Page 4, line 13, after "(IC 35-42-1-3);" insert "**or**

**(C) another criminal act, if the death does not result from the operation of a vehicle; and**".

Page 4, delete lines 14 through 18.

Page 4, line 19, after "(2)" insert "**the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable likelihood that**".

Page 4, line 19, delete "has been arrested in" and insert "**committed the offense;**".

Page 4, delete line 20.

Page 4, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 3. IC 25-15-9-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. **(a) Except as provided in subsection (b),** the following persons, in the order of priority indicated, have the authority to designate the manner, type,

and selection of the final disposition and interment of human remains:

- (1) The ~~decedent's surviving individual who was the spouse of the decedent at the time of the decedent's death.~~
- (2) The decedent's surviving adult child. ~~or children.~~ However, if the children cannot agree on the manner of final disposition, the personal representative of the decedent's estate. **If more than one (1) adult child is surviving, any adult child who confirms in writing that the other adult children have been notified, unless the licensed funeral director or licensed funeral home receives a written objection from another adult child.**
- (3) The decedent's surviving ~~parents.~~ **parent. If the decedent is survived by both parents, either parent has the authority unless the licensed funeral director or licensed funeral home receives a written objection from the other parent.**
- ~~(4) The personal representative of the decedent's estate.~~
- (4) The individual in the next degree of kinship under IC 29-1-2-1 to inherit the estate of the decedent. If more than one (1) individual of the same degree survives, any person of that degree has the authority unless the licensed funeral director or licensed funeral home receives a written objection from one (1) or more persons of the same degree.**
- (5) In the case of an indigent or other individual whose final disposition is the responsibility of the state or township, the following may serve as the authorizing agent:**
  - (A) If none of the persons identified in subdivisions (1) through (4) is available:**
    - (i) a public administrator, including a responsible township trustee or the trustee's designee; or**
    - (ii) the coroner.**
  - (B) A state appointed guardian.**
- (b) If:**
  - (1) the death of the decedent appears to have been the result of:**
    - (A) murder (IC 35-42-1-1);**
    - (B) voluntary manslaughter (IC 35-42-1-3); or**
    - (C) another criminal act, if the death does not result from the operation of a vehicle; and**
  - (2) the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable likelihood that a person described in subsection (a) committed the offense;**

**the person referred to in subdivision (2) may not authorize or designate the manner, type, or selection of the final disposition and interment of human remains.**

  - (c) The coroner, in consultation with the law enforcement agency investigating the death of the decedent, shall inform the crematory authority of the arrest of the person referred to in subsection (b)(2)."**

Page 5, line 4, delete "causing suicide (IC 35-42-1-2);".

Page 5, line 5, delete "(C)".

Page 5, run in lines 4 through 5.

Page 5, line 5, after "(IC 35-42-1-3);" insert "or

**(C) another criminal act, if the death does not result from the operation of a vehicle; and".**

Page 5, delete lines 6 through 10.

Page 5, line 11, after "(4)" insert **"the coroner, in consultation with the law enforcement agency investigating the death of the decedent, determines that there is a reasonable likelihood that"**.

Page 5, line 11, delete "has been" and insert **"committed the offense."**

Page 5, delete line 12.

Renumber all SECTIONS consecutively.

(Reference is to SB 271 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

STEELE, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 344, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 11, delete "(b) or (c)," and insert **"(b),"**.

Page 1, line 14, delete "A person may release criminal intelligence information to an" and insert **"A criminal justice agency may disseminate an assessment of criminal intelligence information to a government official or any other individual when necessary to avoid imminent danger to life or property."**

Page 1, delete lines 15 through 17.

Delete page 2.

(Reference is to SB 344 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 400, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 33.

Page 5, delete line 14.

Page 5, line 15, delete "(2)" and insert **"(1)"**.

Page 5, line 16, delete "(3)" and insert **"(2)"**.

Page 5, line 17, delete "(4)" and insert **"(3)"**.

Page 5, line 36, delete "and".

Page 5, line 38, after "employer" delete "." and insert **"; and**

**(3) tuition and regularly assessed fees that are eligible for the credit under this chapter."**

Page 5, line 41, after "employer." insert **"The maximum amount of credit that the department of workforce development may certify for a qualified employer for a taxable year is fifty thousand dollars (\$50,000)."**

Page 6, line 11, after "entitled" insert **"for a particular qualified employee"**.

Page 6, line 12, delete "a" and insert **"the"**.

Page 6, line 13, after "expenses" delete "." and insert **"and regularly assessed fees."**

Page 7, delete lines 2 through 4, begin a new paragraph and insert:

**"Sec. 15. (a) The department of workforce development shall before June 1 of each year estimate the total amount of credits that will be certified under section 9 of this chapter for the following state fiscal year. The department of workforce development shall before June 30 of each year transfer to the state general fund as follows the amount estimated for the following state fiscal year:"**

Page 7, between lines 9 and 10, begin a new paragraph and insert:

**"(b) Notwithstanding subsection (a), for the state fiscal year beginning July 1, 2007, the department of workforce development shall before August 1, 2007, estimate the total amount of credits that will be certified under section 9 of this chapter in the state fiscal year beginning July 1, 2007, and shall make the transfer to the state general fund required by subsection (a) before September 1, 2007.**

**(c) The department of workforce development shall adjust each transfer made under subsection (a) to account for any amounts by which the transfer made under subsection (a) in the previous year was less than or greater than the amount of credits actually certified under section 9 of this chapter in the state fiscal year."**

Page 7, delete lines 15 through 24.

Page 7, line 26, after "IC 6-3.1-31" insert ",".

Page 7, line 26, delete "and IC 22-4-25-3, both".

Renumber all SECTIONS consecutively.

(Reference is to SB 400 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

KENLEY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 412, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 4, delete "requires" and insert **"includes"**.

Page 2, line 5, after "to" insert **":**

**(i)"**.

Page 2, line 6, delete "." and insert **"; and**

**(ii) require the notification of affected individuals in the event the Social Security number of an individual is improperly disclosed."**

(Reference is to SB 412 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

BRAY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 432, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 8, between lines 38 and 39, begin a new paragraph and insert:

**"SECTION 20. IC 13-18-23-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) An applicant for an individual certification under Section 401 of the Clean Water Act shall submit a fee of two hundred dollars (\$200) to the department at the time of making application.**

**(b) An applicant for a regional general certification under Section 401 of the Clean Water Act shall submit a fee of one hundred dollars (\$100) to the department with the notice of intent.**

**(c) Subject to section 1(b) of this chapter, the department must return an application fee submitted under this section if a waiver of certification occurs because the department fails to act within the period specified in section 1(a)(1) of this chapter."**

Renumber all SECTIONS consecutively.

(Reference is to SB 432 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

KENLEY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 471, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 13, after "guardian" insert **"and did not kidnap the child for sexual purposes"**.

Page 2, line 16, after "guardian" insert **"and did not confine or remove the child for sexual purposes"**.

Page 2, line 33, after "person" insert **", including a child,"**.

Page 15, between lines 37 and 38, begin a new paragraph and insert:

**"SECTION 13. IC 35-38-1-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 28. (a) Except as provided in subsection (c), immediately after sentencing for an offense, the court shall order the defendant to be fingerprinted by an individual qualified to take fingerprints. The fingerprints may be recorded in any reliable manner, including the use of a digital fingerprinting device.**

**(b) The court shall order a law enforcement officer to provide the fingerprints to the prosecuting attorney and the state police department in hard copy or in an electronic format.**

**(c) The court is not required to order the defendant to be fingerprinted if the defendant was previously arrested and processed at the county jail."**

Page 18, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 17. IC 36-2-13-5.5, AS AMENDED BY P.L.173-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain an Indiana sex offender web site, known as the Indiana sex offender registry, to inform the general public about the identity, location, and appearance of every sex offender residing within Indiana. The web site must provide information regarding each sex offender, organized by county of residence. The web site shall be updated at least daily.

(b) The Indiana sex offender web site must include the following information:

- (1) A recent photograph of every sex offender who has registered with a sheriff after the effective date of this chapter.
- (2) The home address of every sex offender.
- (3) The information required under IC 11-8-8-8.

(c) Every time a sex offender registers, but at least once per year, the sheriff shall:

- (1) photograph the sex offender; **and**
- (2) **determine whether the sex offender's fingerprints are on file:**
  - (A) **in Indiana; or**
  - (B) **with the Federal Bureau of Investigation.**

**If it appears that the sex offender's fingerprints are not on file as described in subdivision (2), the sheriff shall fingerprint the sex offender and transmit a copy of the fingerprints to the state police department.** The sheriff shall place ~~this~~ the photograph described in subdivision (1) on the Indiana sex offender web site.

(d) The photograph of a sex offender described in subsection (c) must meet the following requirements:

- (1) The photograph must be full face, front view, with a plain white or off-white background.
- (2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.
- (3) The photograph must be in color.
- (4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.
- (5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.
- (6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the Indiana sex offender web site.

(e) The Indiana sex offender web site may be funded from:

- (1) the jail commissary fund (IC 36-8-10-21);
- (2) a grant from the criminal justice institute; and
- (3) any other source, subject to the approval of the county fiscal body."

Renumber all SECTIONS consecutively.

(Reference is to SB 471 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

Report adopted.

STEELE, Chair

#### COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 480, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 10, line 36, after "duty;" insert "**and**".

Page 10, line 37, delete "and".

Page 10, delete line 38.

Page 10, line 40, delete "institution." and insert "**institution for courses taken by the person and the person's dependents.**".

(Reference is to SB 480 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

WYSS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 503, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 6, line 36, strike "shortfall" and insert "**supplemental payment**".

Page 6, line 40, strike "Payment for a state fiscal year ending after June 30,".

Page 6, strike line 41.

Page 6, line 42, strike "year's end.".

Page 7, line 9, strike "STEP SEVEN of".

Page 7, strike lines 10 through 12.

Page 7, line 13, strike "(b)." and insert "**this section.**".

Page 7, line 14, after "section" insert ".".

Page 7, line 14, strike "and as otherwise provided under".

Page 7, line 15, delete "IC 12-15-20-2(6).".

Page 7, line 17, strike "subsection (d)" and insert "**this section**".

Page 7, line 18, strike "STEP SEVEN of".

Page 7, line 22, strike "STEP".

Page 7, line 23, strike "SEVEN of".

Page 7, line 26, strike "STEP SEVEN of".

Page 7, line 32, strike "shortfall" and insert "**supplemental payment**".

Page 8, line 5, strike "shortfall" and insert "**supplemental payment**".

Page 9, line 16, strike "shortfall" and insert "**supplemental payment**".

Page 9, line 18, strike "Subject to subsection (c), the reimbursement for a state fiscal".

Page 9, strike line 19.

Page 9, line 20, strike "following the end of the state fiscal year.".

Page 9, line 22, strike "under subsection (d)." and insert "**by the hospital or on behalf of the hospital.**".

Page 9, line 29, strike "STEP SEVEN of".

Page 9, line 30, strike "In determining the percentage, the office shall apply the".

Page 9, strike lines 31 through 32.

Page 9, line 33, strike "(b).".

Page 9, line 34, after "section" insert ".".

Page 9, line 34, strike "and as otherwise provided under".

Page 9, line 35, delete "IC 12-15-20-2(6)".

Page 9, line 37, strike "subsection (d)" and insert "**this section**".

Page 9, line 38, strike "STEP SEVEN of".

Page 9, line 42, strike "STEP".

Page 10, line 1, strike "SEVEN of".

Page 10, line 4, strike "STEP SEVEN of".

Page 10, line 10, strike "shortfall" and insert "**supplemental payment**".

Page 10, line 25, strike "shortfall" and insert "**supplemental payment**".

Page 11, line 1, after "2003," insert "**and before July 1, 2005,**".

Page 11, line 27, reset in roman "IC 12-15-20-2(8)(D)".

Page 11, line 27, delete "IC 12-15-20-2(6)(D)".

Page 12, strike lines 18 through 21.

Page 12, between lines 21 and 22, begin a new paragraph and insert:

"(c) For state fiscal years ending after July 1, 2005, in addition to reimbursement received under section 1 of this chapter, a hospital eligible under this section is entitled to reimbursement in an amount calculated as follows:

**STEP ONE:** The office shall identify the total inpatient hospital services and the total outpatient hospital services, reimbursable under this article and under the state Medicaid plan, that were provided during the state fiscal year by a hospital described in subsection (a).

**STEP TWO:** For the total inpatient hospital services and the total outpatient hospital services identified under STEP ONE, the office shall calculate the total payments made under this article and under the state Medicaid plan to a hospital described in subsection (a), excluding payments made under IC 12-15-16, IC 12-15-17, and IC 12-15-19.

**STEP THREE:** The office shall calculate a reasonable estimate of the total amount that would have been paid by the office for the inpatient hospital services and the outpatient hospital services identified in STEP ONE under Medicare payment principles.

**STEP FOUR:** Subtract the amount calculated under STEP TWO from the amount calculated under STEP THREE.

**STEP FIVE:** Distribute an amount equal to the amount calculated under STEP FOUR to the eligible hospitals described in subsection (a) as follows:

(A) Subject to the availability of funds under IC 12-15-20-2(7) to serve as the non-federal share of the payments, the amount calculated under STEP FOUR for a state fiscal year shall be paid to all hospitals described in subsection (a). The payments shall be made on a pro rata basis based on the hospitals' Medicaid

inpatient days or, if the federal Centers for Medicare and Medicaid Services do not approve that methodology, another payment methodology approved by the federal Centers for Medicare and Medicaid Services. For purposes of this clause, a hospital's Medicaid inpatient days are the hospital's in-state Medicaid paid claims and Medicaid managed care days for the state fiscal year referenced in STEP ONE, as determined by the office.

(B) Subject to IC 12-15-20.7, if the entirety of the amount calculated under STEP FOUR is not distributed following the payments made under clause (A), the remaining amount shall be paid to hospitals described in subsection (a) that are eligible under this clause. A hospital is eligible for a payment under this clause only if the hospital:

(i) has less than seventy thousand (70,000) Medicaid inpatient days annually;

(ii) was eligible for disproportionate share hospital payments under IC 12-15-19-2.1 for the state fiscal year ending June 30, 1998, or the hospital met the office's Medicaid disproportionate share payment criteria for payment under IC 12-15-19-2.1 based upon state fiscal year 1998 data and received a Medicaid disproportionate share payment for the state fiscal year ending June 30, 2001; and

(iii) received a Medicaid disproportionate share payment under IC 12-15-19-2.1 for state fiscal years 2001, 2002, 2003, and 2004.

The amount of a hospital's payment under this clause is subject to the extent that Medicaid indigent care trust funds are available or, if none are available, the non-federal share of the hospital's payment is provided by or on behalf of the hospital. The payment to each hospital shall equal the hospital's hospital specific limit provided under 42 U.S.C. 1396r-4 when the payments are combined with any other Medicaid payments made to the hospital. For state fiscal years ending before July 1, 2008, the total payments made under this clause may not exceed a total amount of sixty-eight million dollars (\$68,000,000). For a state fiscal year ending after June 30, 2008, the total payments made under this clause may not exceed a total amount of sixty-eight million dollars (\$68,000,000) plus the annual percentage growth in the state's aggregate Medicaid upper payment limit, as calculated by the office.

(C) Subject to IC 12-15-20.7, if the entirety of the amount calculated under STEP FOUR is not distributed following the payments made under clauses (A) and (B), the remaining amount may be paid to hospitals described in subsection (a) that are eligible under this clause. A hospital is eligible for a payment under this clause if the hospital:

(i) has less than seventy thousand (70,000) Medicaid inpatient days annually;

(ii) has received or is eligible to receive Medicaid disproportionate share payments under IC 12-15-19-2.1 for state fiscal years 2002, 2003,

2004, and for each state fiscal year after 2004; and (iii) provides, or has provided on the hospital's behalf, the non-federal share of the hospital's payment.

A payment to a hospital under this clause is subject to the availability of non-federal dollars. The payment to each hospital shall not exceed ninety percent (90%) of the hospital's Medicaid shortfall. As used in this clause, Medicaid shortfall is the amount of the hospital's Medicaid costs less the hospital's Medicaid reimbursement and any payments received by the hospital under IC 12-15-15-9 and IC 12-15-15-9.5. For state fiscal years ending before July 1, 2008, the total payments made under this clause may not exceed a total amount of twenty-three million five hundred thousand dollars (\$23,500,000). For a state fiscal year ending after June 30, 2008, the total payments made under this clause may not exceed a total amount of twenty-three million five hundred thousand dollars (\$23,500,000) plus the annual percentage growth in the state's aggregate Medicaid upper payment limit, as determined by the office.

(D) Subject to IC 12-15-20.7, if the entirety of the amount calculated under STEP FOUR is not distributed following the payments made under clauses (A) through (C), the remaining amount shall be paid to hospitals described in subsection (a) that are eligible under this clause. A hospital is eligible for payment under this clause if the hospital provides, or has provided on the hospital's behalf, the non-federal share of the hospital's payment.

(E) As used in clauses (A) through (D), a hospital's Medicaid inpatient days are based on the hospital's Medicaid paid claims and Medicaid managed care days for the current state fiscal year, as determined by the office."

Page 12, line 24, delete "." and insert "or subsection (c).".

Page 12, line 25, after "(b)" insert "or subsection (c)".

Page 12, line 28, after "(b)" insert "or subsection (c)".

Page 12, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 8. IC 12-15-15-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) For purposes of this section and IC 12-16-7.5-4.5, a payable claim is attributed to a county if the payable claim is submitted to the division by a hospital licensed under IC 16-21-2 for payment under IC 12-16-7.5 for care provided by the hospital to an individual who qualifies for the hospital care for the indigent program under IC 12-16-3.5-1 or IC 12-16-3.5-2 and:

- (1) who is a resident of the county;
- (2) who is not a resident of the county and for whom the onset of the medical condition that necessitated the care occurred in the county; or
- (3) whose residence cannot be determined by the division and for whom the onset of the medical condition that necessitated the care occurred in the county.

(b) For each state fiscal year ending after June 30, 2003, and before July 1, 2006, a hospital licensed under IC 16-21-2 that

submits to the division during the state fiscal year a payable claim under IC 12-16-7.5 is entitled to a payment under ~~this section:~~ **subsection (c).**

(c) Except as provided in section 9.8 of this chapter and subject to section 9.6 of this chapter, for a state fiscal year, the office shall pay to a hospital referred to in subsection (b) an amount equal to the amount, based on information obtained from the division and the calculations and allocations made under IC 12-16-7.5-4.5, that the office determines for the hospital under STEP SIX of the following STEPS:

STEP ONE: Identify:

- (A) each hospital that submitted to the division one (1) or more payable claims under IC 12-16-7.5 during the state fiscal year; and
- (B) the county to which each payable claim is attributed.

STEP TWO: For each county identified in STEP ONE, identify:

- (A) each hospital that submitted to the division one (1) or more payable claims under IC 12-16-7.5 attributed to the county during the state fiscal year; and
- (B) the total amount of all hospital payable claims submitted to the division under IC 12-16-7.5 attributed to the county during the state fiscal year.

STEP THREE: For each county identified in STEP ONE, identify the amount of county funds transferred to the Medicaid indigent care trust fund under STEP FOUR of IC 12-16-7.5-4.5(b).

STEP FOUR: For each hospital identified in STEP ONE, with respect to each county identified in STEP ONE, calculate the hospital's percentage share of the county's funds transferred to the Medicaid indigent care trust fund under STEP FOUR of IC 12-16-7.5-4.5(b). Each hospital's percentage share is based on the total amount of the hospital's payable claims submitted to the division under IC 12-16-7.5 attributed to the county during the state fiscal year, calculated as a percentage of the total amount of all hospital payable claims submitted to the division under IC 12-16-7.5 attributed to the county during the state fiscal year.

STEP FIVE: Subject to subsection (j), for each hospital identified in STEP ONE, with respect to each county identified in STEP ONE, multiply the hospital's percentage share calculated under STEP FOUR by the amount of the county's funds transferred to the Medicaid indigent care trust fund under STEP FOUR of IC 12-16-7.5-4.5(b).

STEP SIX: Determine the sum of all amounts calculated under STEP FIVE for each hospital identified in STEP ONE with respect to each county identified in STEP ONE.

**(d) For state fiscal years beginning after June 30, 2006, a hospital that received a payment determined under STEP SIX of subsection (c) for the state fiscal year ending June 30, 2006, shall be paid in an amount equal to the amount determined for the hospital under STEP SIX of subsection (c) for the state fiscal year ending June 30, 2006.**

~~(e)~~ **(e)** A hospital's payment under subsection (c) **or (d)** is in the form of a Medicaid ~~add-on~~ **supplemental** payment. The amount of a hospital's ~~add-on~~ **supplemental** payment is subject to the availability of funding for the non-federal share of the payment under subsection ~~(e)~~: **(f)**. The office shall make the payments under



~~subsection~~ **subsections (c) and (d)** before December 15 that next succeeds the end of the state fiscal year.

~~(f)~~ **(f)** The non-federal share of a payment to a hospital under subsection (c) **or (d)** is funded from the funds transferred to the Medicaid indigent care trust fund under STEP FOUR of IC 12-16-7.5-4.5(b) of each county to which a payable claim under IC 12-16-7.5 submitted to the division during the state fiscal year by the hospital is attributed.

~~(f)~~ **(g)** The amount of a county's transferred funds available to be used to fund the non-federal share of a payment to a hospital under subsection (c) **or (d)** is an amount that bears the same proportion to the total amount of funds of the county transferred to the Medicaid indigent care trust fund under STEP FOUR of IC 12-16-7.5-4.5(b) that the total amount of the hospital's payable claims under IC 12-16-7.5 attributed to the county submitted to the division during the state fiscal year bears to the total amount of all hospital payable claims under IC 12-16-7.5 attributed to the county submitted to the division during the state fiscal year.

~~(g)~~ **(h)** Any county's funds identified in subsection ~~(f)~~ **(g)** that remain after the non-federal share of a hospital's payment has been funded are available to serve as the non-federal share of a payment to a hospital under section 9.5 of this chapter.

~~(h)~~ **(i)** For purposes of this section, "payable claim" has the meaning set forth in IC 12-16-7.5-2.5(b)(1).

~~(i)~~ **(j)** For purposes of this section:

(1) the amount of a payable claim is an amount equal to the amount the hospital would have received under the state's fee-for-service Medicaid reimbursement principles for the hospital care for which the payable claim is submitted under IC 12-16-7.5 if the individual receiving the hospital care had been a Medicaid enrollee; and

(2) a payable hospital claim under IC 12-16-7.5 includes a payable claim under IC 12-16-7.5 for the hospital's care submitted by an individual or entity other than the hospital, to the extent permitted under the hospital care for the indigent program.

~~(j)~~ **(k)** The amount calculated under STEP FIVE of subsection (c) for a hospital with respect to a county may not exceed the total amount of the hospital's payable claims attributed to the county during the state fiscal year."

Page 13, line 6, after "2003," insert **"but before July 1, 2006,"**.

Page 13, line 14, strike "this section." and insert **"subsection (c)."**

Page 14, between lines 15 and 16, begin a new paragraph and insert:

**"(d) For state fiscal years beginning after June 30, 2006, a hospital that received a payment determined under STEP EIGHT of subsection (c) for the state fiscal year ending June 30, 2006, will be paid an amount equal to the amount determined for the hospital under STEP EIGHT of subsection (c) for the state fiscal year ending June 30, 2006."**

Page 14, line 16, strike "(d)" and insert **"(e)"**.

Page 14, line 16, after "(c)" insert **"or (d)"**.

Page 14, line 17, strike "add-on" and insert **"supplemental"**.

Page 14, line 19, strike "(e)." and insert **"(f)."**

Page 14, line 20, after "(c)" insert **"or (d)"**.

Page 14, line 22, strike "(e)" and insert **"(f)"**.

Page 14, line 23, after "(c)" insert **"or (d)"**.

Page 14, line 25, strike "To the extent possible,".

Page 14, strike lines 26 through 41.

Page 14, line 42, strike "(f)" and insert **"(g)"**.

Page 14, line 42, strike "(g)," and insert **"(h)."**

Page 15, line 3, strike "(g)" and insert **"(h)"**.

Page 15, line 12, strike "(h)" and insert **"(i)"**.

Page 15, line 15, delete "IC 12-15-20-2(6)(D)." and insert **"IC 12-15-20-2(8)."**

Page 15, line 16, strike "(i)" and insert **"(j)"**.

Page 16, line 21, after "under" insert **"IC 12-15-16, IC 12-15-17, or IC 12-15-19 of"**.

Page 16, line 31, strike "or".

Page 16, line 33, delete "." and insert **"; or**

**(3) other permissible sources of non-federal share dollars."**

Page 16, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 12. IC 12-15-19-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.1. (a) For each state fiscal year ending on or after June 30, 2000, the office shall develop a disproportionate share payment methodology that ensures that each hospital qualifying for disproportionate share payments under IC 12-15-16-1(a) timely receives total disproportionate share payments that do not exceed the hospital's hospital specific limit provided under 42 U.S.C. 1396r-4(g). The payment methodology as developed by the office must:

(1) maximize disproportionate share hospital payments to qualifying hospitals to the extent practicable;

(2) take into account the situation of those qualifying hospitals that have historically qualified for Medicaid disproportionate share payments; and

(3) ensure that payments net of intergovernmental transfers made by or on behalf of qualifying hospitals are equitable.

(b) Total disproportionate share payments to a hospital under this chapter shall not exceed the hospital specific limit provided under 42 U.S.C. 1396r-4(g). The hospital specific limit for a state fiscal year shall be determined by the office taking into account data provided by each hospital that is considered reliable by the office based on a system of periodic audits, the use of trending factors, and an appropriate base year determined by the office. The office may require independent certification of data provided by a hospital to determine the hospital's hospital specific limit.

(c) The office shall include a provision in each amendment to the state plan regarding Medicaid disproportionate share payments that the office submits to the federal Centers for Medicare and Medicaid Services that, as provided in 42 CFR 447.297(d)(3), allows the state to make additional disproportionate share expenditures after the end of each federal fiscal year that relate back to a prior federal fiscal year. However, the total disproportionate share payments to:

(1) each individual hospital; and

(2) all qualifying hospitals in the aggregate;

may not exceed the limits provided by federal law and regulation.

~~(d) The office shall, in each state fiscal year, provide sufficient funds for acute care hospitals licensed under IC 16-21 that qualify for disproportionate share payments under IC 12-15-16-1(a). Funds provided under this subsection:~~

- (1) do not include funds transferred by other governmental units to the Medicaid indigent care trust fund; and
- (2) must be in an amount equal to the amount that results from the following calculation:

STEP ONE: Multiply twenty-six million dollars (\$26,000,000) by the federal medical assistance percentage:

STEP TWO: Subtract the amount determined under STEP ONE from twenty-six million dollars (\$26,000,000):

**A hospital that receives a payment under clause (B) of STEP FIVE of IC 12-15-15-1.5(c) is not eligible for a disproportionate share payment under this section.**

SECTION 13. IC 12-15-19-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) The office is not required to make disproportionate share payments under this chapter from the Medicaid indigent care trust fund established by IC 12-15-20-1 until the fund has received sufficient deposits to permit the office to make the state's share of the required disproportionate share payments.

(b) If:

- (1) sufficient deposits have not been received; or
- (2) **the statewide Medicaid disproportionate share allocation is not sufficient to provide federal financial participation for the entirety of all eligible disproportionate share hospitals' specific limits;**

the office ~~shall~~ **may** reduce disproportionate share payments under IC 12-15-19-2.1 to ~~all~~ **eligible** institutions by ~~the same~~ **a** percentage as long as, for each state fiscal year beginning after June 30, 2006, a hospital established under IC 16-22-8 receives at least sixty percent (60%) of the hospital's remaining hospital specific limit for each state fiscal year. The percentage reduction shall be sufficient to ensure that payments do not exceed the **statewide Medicaid disproportionate share allocation or the** amounts that can be financed with the ~~state~~ **non-federal** share that is in the fund, **intergovernmental transfers, certifications of public expenditures, or other permissible sources of non-federal match.**

Page 17, line 4, delete "," and insert **"and the total amount available for municipal disproportionate share payments in subsection (d),"**.

Page 17, line 12, strike "the amount of".

Page 17, strike line 13.

Page 17, line 14, strike "IC 12-15-16-6 or sections 1 or 2.1 of this chapter." and insert **"all Medicaid payments, including Medicaid supplemental payments and other Medicaid disproportionate share payments received by the provider."**

Page 17, line 22, strike "disproportionate share" and insert **"Medicaid supplemental"**.

Page 17, line 23, strike "equals" and insert **"do not exceed"**.

Page 18, line 8, delete "is forty million dollars (\$40,000,000)." and insert **"may not exceed thirty-five million dollars (\$35,000,000)."**

Page 18, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 14. IC 12-15-19-10, AS AMENDED BY P.L.2-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. For state fiscal

years beginning after June 30, 2000, **and ending June 30, 2003**, the state shall pay providers as follows:

(1) The state shall make municipal disproportionate share provider payments to providers qualifying under IC 12-15-16-1(b) until the state exceeds the state disproportionate share allocation (as defined in 42 U.S.C. 1396r-4(f)(2)).

(2) After the state makes all payments under subdivision (1), if the state fails to exceed the state disproportionate share allocation (as defined in 42 U.S.C. 1396r-4(f)(2)), the state shall make disproportionate share provider payments to providers qualifying under IC 12-15-16-1(a).

(3) After the state makes all payments under subdivision (2), if the state fails to exceed the state disproportionate share allocation (as defined in 42 U.S.C. 1396r-4(f)(2)), or the state limit on disproportionate share expenditures for institutions for mental diseases (as defined in 42 U.S.C. 1396r-4(h)), the state shall make community mental health center disproportionate share provider payments to providers qualifying under IC 12-15-16-1(c)."

Page 18, reset in roman lines 22 and 23.

Page 18, line 24, reset in roman "(7)".

Page 18, line 24, delete "(5)".

Page 18, line 25, after "(D)" insert ",".

Page 18, line 25, strike "and".

Page 18, line 25, delete "." and insert **", and (8)(G)."**

Page 18, line 26, reset in roman "(8)".

Page 18, line 26, delete "(6)".

Page 19, line 23, after "2003," insert **"but before July 1, 2005,"**.

Page 19, line 36, reset in roman "the non-federal share of payments to hospitals under".

Page 19, reset in roman line 37.

Page 19, line 38, reset in roman "under IC 12-15-15-9.5,".

Page 19, reset in roman lines 41 through 42.

Page 20, reset in roman lines 1 through 9.

Page 20, line 10, reset in roman "(F)".

Page 20, line 10, delete "(E)".

Page 20, line 11, delete "2006," and insert **"2005,"**.

Page 20, line 29, delete "(F)" and insert **"(G)"**.

Page 20, line 29, delete "2006," and insert **"2005,"**.

Page 20, line 30, delete "entirety of the" and insert **"total amount of"**.

Page 20, line 31, delete "for" and insert **"as follows:"**

(1) **Thirty million dollars (\$30,000,000) shall be transferred to the office for the Medicaid budget.**

(2) **An amount not to exceed eleven million six hundred fifty thousand dollars (\$11,650,000) to fund the non-federal share of payments to hospitals under IC 12-15-15-9 and IC 12-15-15-9.5.**

(3) **An amount not to exceed eight million nine hundred seventy-five thousand dollars (\$8,975,000) to fund the non-federal share of payments to hospitals made under clause (A) of STEP FIVE of IC 12-15-15-1.5(c).**

(4) **To fund the non-federal share of payments to hospitals made under clause (B) of STEP FIVE of IC 12-15-15-1.5(c).**

(5) **To fund the non-federal share of payments to hospitals made under clause (C) of STEP FIVE of**

**IC 12-15-15-1.5(c).**

**(6) To fund the non-federal share of disproportionate share payments to hospitals under IC 12-15-19-2.1.**

**(7) If additional funds are available after making payments under subdivisions (1) through (6), to fund other Medicaid supplemental payments for hospitals approved by the office and included in the state Medicaid plan."**

Page 20, delete lines 32 through 34.

Page 20, line 36, after "Sec. 2." insert "(a)".

Page 20, line 37, delete "year," and insert "year ending before July 1, 2005,".

Page 20, reset in roman line 39.

Page 20, line 40, reset in roman "(2) Second,".

Page 20, line 40, delete "(1) First,".

Page 20, line 42, reset in roman "(3) Third,".

Page 20, line 42, delete "(2) Second,".

Page 21, reset in roman line 3.

Page 21, line 4, reset in roman "(5) Fifth,".

Page 21, line 4, delete "(3) Third,".

Page 21, line 6, reset in roman "(6) Sixth,".

Page 21, line 6, delete "(4) Fourth,".

Page 21, reset in roman lines 8 and 9.

Page 21, between lines 9 and 10, begin a new paragraph and insert:

**"(b) For each state fiscal year ending after June 30, 2005, subject to section 3 of this chapter, the office shall make the payments identified in this section in the following order:**

**(1) First, the payment under IC 12-15-20-2(8)(G).**

**(2) Second, payments under IC 12-15-15-1.1 and IC 12-15-15-1.3.**

**(3) Third, payments under IC 12-15-19-8.**

**(4) Fourth, payments under IC 12-15-15-9 and IC 12-15-15-9.5.**

**(5) Fifth, payments under clause (A) of STEP FIVE of IC 12-15-15-1.5(c).**

**(6) Sixth, payments under clause (B) of STEP FIVE of IC 12-15-15-1.5(c).**

**(7) Seventh, payments under clause (C) of STEP FIVE of IC 12-15-15-1.5(c).**

**(8) Eighth, payments under clause (D) of STEP FIVE of IC 12-15-15-1.5(c).**

**(9) Ninth, payments under IC 12-15-19-2.1 for disproportionate share hospitals."**

Page 21, line 32, after "program." insert "The department of insurance and the office of the secretary shall provide oversight on the marketing practices of the program."

Page 21, between lines 40 and 41, begin a new paragraph and insert:

**"(d) The program must include the following in a manner and to the extent determined by the office:**

**(1) Mental health care services.**

**(2) Inpatient hospital services.**

**(3) Prescription drug coverage.**

**(4) Emergency room services.**

**(5) Physician office services.**

**(6) Diagnostic services.**

**(7) Outpatient services, including therapy services.**

**(8) Disease management.**

**(9) Home health services.**

**(10) Urgent care center services."**

Page 24, line 25, after "Sec. 12." insert "(a)".

Page 24, between lines 39 and 40, begin a new paragraph and insert:

**"(b) An insurer or a health maintenance organization that has contracted with the office to provide health insurance under the program shall also offer to provide the same health insurance to the following:**

**(1) An individual who has an annual household income that is:**

**(A) not more than two hundred percent (200%) of the federal income poverty level but the individual is not eligible for the program because of the individual's income or because a slot is not available for the individual; or**

**(B) more than two hundred percent (200%) of the federal income poverty level.**

**(2) The employees of an employer if:**

**(A) the employees have an annual household income that is more than two hundred percent (200%) of the federal income poverty level; and**

**(B) the employer:**

**(i) has not offered employees health care insurance in the previous twelve (12) months; and**

**(ii) pays at least fifty percent (50%) of the premium for the employer's employees.**

**The state does not provide funding for coverage provided under this subsection."**

Page 25, line 19, delete "The" and insert "Either:

**(A) the individual is no longer eligible for the program because the individual's annual household income exceeds the amounts set forth in section 5(a)(3) of this chapter; or**

**(B) the"**

Page 27, delete lines 10 through 42.

Delete page 28.

Page 29, delete lines 1 through 33.

Page 30, line 21, delete "Except as provided in subsection (c), before" and insert "Before".

Page 31, line 1, reset in roman "IC 12-15-20-2(8)(D)".

Page 31, line 1, delete "IC 12-15-20-2(6)(D)" and insert "**or IC 12-15-20-2(8)(G)".**

Page 31, delete lines 8 through 24.

Page 31, line 25, reset in roman "(c)".

Page 31, line 25, delete "(d)".

Page 31, line 30, strike "(a) For purposes of this section,".

Page 31, strike line 31.

Page 31, line 32, strike "(b)" and insert "(a)".

Page 31, line 39, strike "(c)" and insert "(b)".

Page 31, line 39, reset in roman "first".

Page 31, line 39, after "payable" delete ",".

Page 31, line 39, reset in roman "in 2004,".

Page 31, line 40, after "2008," insert "**and each year thereafter,".**

Page 31, line 41, strike "product of:" and insert "**hospital care for the indigent program property tax levy for taxes first due**

**and payable in the preceding calendar year multiplied by the statewide average assessed value growth quotient, using all the county assessed value growth quotients determined under IC 6-1.1-18.5-2 for the year in which the tax levy under this subsection will be first due and payable."**

Page 31, strike line 42.

Page 32, strike lines 1 through 15.

Page 33, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 21. IC 27-8-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. Except as provided in sections 17 and 24 of this chapter, no policy of group accident and sickness insurance may be delivered or issued for delivery to a group that has a legal situs in Indiana unless it conforms to one (1) of the following descriptions:

(1) A policy issued to an employer or to the trustees of a fund established by an employer (which employer or trustees must be deemed the policyholder) to insure employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

(A) The employees eligible for insurance under the policy must be all of the employees of the employer, or all of any class or classes of employees. The policy may provide that the term "employees" includes the employees of one (1) or more subsidiary corporations and the employees, individual proprietors, members, and partners of one (1) or more affiliated corporations, proprietorships, limited liability companies, or partnerships if the business of the employer and of the affiliated corporations, proprietorships, limited liability companies, or partnerships is under common control. The policy may provide that the term "employees" includes retired employees, former employees, and directors of a corporate employer. A policy issued to insure the employees of a public body may provide that the term "employees" includes elected or appointed officials.

(B) The premium for the policy must be paid either from the employer's funds, from funds contributed by the insured employees, or from both sources of funds. Except as provided in clause (C), a policy on which no part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees, except those who reject the coverage in writing.

(C) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

(2) A policy issued to a creditor or its parent holding company or to a trustee or trustees or agent designated by two (2) or more creditors (which creditor, holding company, affiliate, trustee, trustees, or agent must be deemed the policyholder) to insure debtors of the creditor, or creditors, subject to the following requirements:

(A) The debtors eligible for insurance under the policy must be all of the debtors of the creditor or creditors, or all of any class or classes of debtors. The policy may provide that the term "debtors" includes:

(i) borrowers of money or purchasers or lessees of goods, services, or property for which payment is arranged through a credit transaction;

(ii) the debtors of one (1) or more subsidiary corporations; and

(iii) the debtors of one (1) or more affiliated corporations, proprietorships, limited liability companies, or partnerships if the business of the policyholder and of the affiliated corporations, proprietorships, limited liability companies, or partnerships is under common control.

(B) The premium for the policy must be paid either from the creditor's funds, from charges collected from the insured debtors, or from both sources of funds. Except as provided in clause (C), a policy on which no part of the premium is to be derived from the funds contributed by insured debtors specifically for their insurance must insure all eligible debtors.

(C) An insurer may exclude any debtors as to whom evidence of individual insurability is not satisfactory to the insurer.

(D) The amount of the insurance payable with respect to any indebtedness may not exceed the greater of the scheduled or actual amount of unpaid indebtedness to the creditor. The insurer may exclude any payments that are delinquent on the date the debtor becomes disabled as defined in the policy.

(E) The insurance may be payable to the creditor or any successor to the right, title, and interest of the creditor. Each payment under this clause must reduce or extinguish the unpaid indebtedness of the debtor to the extent of the payment, and any excess of the insurance must be payable to the insured or the estate of the insured.

(F) Notwithstanding clauses (A) through (E), insurance on agricultural credit transaction commitments may be written up to the amount of the loan commitment on a nondecreasing or level term plan, and insurance on educational credit transaction commitments may be written up to the amount of the loan commitment less the amount of any repayments made on the loan.

(3) A policy issued to a labor union or similar employee organization (which must be deemed to be the policyholder) to insure members of the union or organization for the benefit of persons other than the union or organization or any of its officials, representatives, or agents, subject to the following requirements:

(A) The members eligible for insurance under the policy must be all of the members of the union or organization, or all of any class or classes of members.

(B) The premium for the policy must be paid either from funds of the union or organization, from funds contributed by the insured members specifically for their insurance, or from both sources of funds. Except as provided in clause (C), a policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, except those who reject the coverage in writing.

(C) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

(4) A policy issued to a trust or to one (1) or more trustees of a fund established or adopted by two (2) or more employers, or by one (1) or more labor unions or similar employee organizations, or by one (1) or more employers and one (1) or more labor unions or similar employee organizations (which trust or trustees must be deemed the policyholder) to insure employees of the employers or members of the unions or organizations for the benefit of persons other than the employers or the unions or organizations, subject to the following requirements:

(A) The persons eligible for insurance must be all of the employees of the employers or all of the members of the unions or organizations, or all of any class or classes of employees or members. The policy may provide that the term "employees" includes the employees of one (1) or more subsidiary corporations and the employees, individual proprietors, and partners of one (1) or more affiliated corporations, proprietorships, limited liability companies, or partnerships if the business of the employer and of the affiliated corporations, proprietorships, limited liability companies, or partnerships is under common control. The policy may provide that the term "employees" includes retired employees, former employees, and directors of a corporate employer. The policy may provide that the term "employees" includes the trustees or their employees, or both, if their duties are principally connected with the trusteeship.

(B) The premium for the policy must be paid from funds contributed by the employer or employers of the insured persons, by the union or unions or similar employee organizations, or by both, or from funds contributed by the insured persons or from both the insured persons and one (1) or more employers, unions, or similar employee organizations. Except as provided in clause (C), a policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance must insure all eligible persons, except those who reject the coverage in writing.

(C) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

(5) A policy issued to an association or to a trust or to one (1) or more trustees of a fund established, created, or maintained for the benefit of members of one (1) or more associations. The association or associations must have at the outset a minimum of one hundred (100) persons, must have been organized and maintained in good faith for purposes other than that of obtaining insurance, must have been in active existence for at least one (1) year, and must have a constitution and bylaws that provide that the association or associations hold regular meetings not less than annually to further purposes of the members, that, except for credit unions, the association or associations collect dues or solicit contributions from members, and that the members have voting privileges and representation on the governing board and committees. The policy must be subject to the following requirements:

(A) The policy may insure members or employees of the association or associations, employees of members, one (1) or more of the preceding, or all of any class or classes of members, employees, or employees of members for the benefit of persons other than the employee's employer.

(B) The premium for the policy must be paid from funds contributed by the association or associations, by employer members, or by both, from funds contributed by the covered persons, or from both the covered persons and the association, associations, or employer members.

(C) Except as provided in clause (D), a policy on which no part of the premium is to be derived from funds contributed by the covered persons specifically for the insurance must insure all eligible persons, except those who reject such coverage in writing.

(D) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

(6) A policy issued to a credit union, or to one (1) or more trustees or an agent designated by two (2) or more credit unions (which credit union, trustee, trustees, or agent must be deemed the policyholder) to insure members of the credit union or credit unions for the benefit of persons other than the credit union or credit unions, trustee, trustees, or agent, or any of their officials, subject to the following requirements:

(A) The members eligible for insurance must be all of the members of the credit union or credit unions, or all of any class or classes of members.

(B) The premium for the policy shall be paid by the policyholder from the credit union's funds and, except as provided in clause (C), must insure all eligible members.

(C) An insurer may exclude or limit the coverage on any member as to whom evidence of individual insurability is not satisfactory to the insurer.

(7) A policy issued to cover persons in a group specifically described by another law of Indiana as a group that may be covered for group life insurance. The provisions of the group life insurance law relating to eligibility and evidence of insurability apply to a group health policy to which this subdivision applies.

**(8) A policy issued to a trustee or agent designated by two (2) or more small employers (as defined in IC 27-8-15-14) as determined by the commissioner under rules adopted under IC 4-22-2.**

SECTION 22. IC 27-8-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) A group accident and sickness insurance policy shall not be delivered or issued for delivery in Indiana to a group that is not described in section 16(1)(A), 16(2)(A), 16(3)(A), 16(4)(A), 16(5)(A), 16(6)(A), ~~or~~ 16(7), **or 16(8)** of this chapter unless the commissioner finds that:

- (1) the issuance of the policy is not contrary to the best interest of the public;
- (2) the issuance of the policy would result in economies of acquisition or administration; and
- (3) the benefits of the policy are reasonable in relation to the premiums charged.

(b) Except as otherwise provided in this chapter, an insurer may exclude or limit the coverage under a policy described in subsection (a) on any person as to whom evidence of individual insurability is not satisfactory to the insurer."

Page 33, delete lines 36 through 39.

Page 35, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 29. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "small employer" means any person, firm, corporation, limited liability company, partnership, or association actively engaged in business who, on at least fifty percent (50%) of the working days of the employer during the preceding calendar year, employed at least two (2) but not more than fifty (50) eligible employees, the majority of whom work in Indiana. In determining the number of eligible employees, companies that are affiliated companies or that are eligible to file a combined tax return for purposes of state taxation are considered one (1) employer.

(b) The commissioner of the department of insurance and the office of the secretary of family and social services shall, not later than January 1, 2008, implement a program to allow two (2) or more small employers to join together to purchase health insurance, as described in IC 27-8-5-16(8), as amended by this act.

(c) The commissioner shall adopt rules under IC 4-22-2 necessary to implement this SECTION."

Renumber all SECTIONS consecutively.

(Reference is to SB 503 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 524, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 68, line 12, reset in roman "IC 8-1-33-15."

Page 68, delete line 13.

(Reference is to SB 524 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MEEKS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 548, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 18 through 42.

Page 3, delete lines 1 through 34.

Page 4, line 12, delete "used" and insert "used:

(1)".

Page 4, line 12, delete "costs." and insert "costs; and

(2) to repay advances made under IC 20-49-7."

Page 4, line 23, after "10." insert "(a)".

Page 4, between lines 40 and 41, begin a new paragraph and insert:

"(b) A charter school that receives a grant for operational costs under this section may not receive an advancement for operational costs under IC 20-49-7.

Sec. 11. (a) The amount of a grant to repay an advance made under IC 20-49-7 may not exceed the amount that a charter school is required to repay to the charter school advancement account on the date the charter school receives the grant.

(b) A charter school that receives a grant under this section shall use the grant to repay the charter school's obligation to the charter school account."

Page 5, delete lines 40 through 42.

Delete pages 6 through 7.

Renumber all SECTIONS consecutively.

(Reference is to SB 548 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Tax and Fiscal Policy.

Committee Vote: Yeas 6, Nays 4.

LUBBERS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 566, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 33 through 42, begin a new paragraph and insert:

"SECTION 4. IC 12-19-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "children's psychiatric residential treatment services" means services that are:

- (1) eligible for federal financial participation under the state Medicaid plan; and
- (2) provided to individuals less than twenty-one (21) years of age who are:

- (A) eligible for services under the state Medicaid plan;
- (B) approved by the office for admission to and treatment in:

(i) a private psychiatric residential treatment facility; and or

(ii) another level of care setting; and

(C) residing in:

(i) a private psychiatric residential facility; or

(ii) an alternative setting;

for the purposes of treatment for a mental health condition, based on an approved treatment plan that complies with applicable federal and state Medicaid rules and regulations."

Delete page 3.

(Reference is to SB 566 as introduced.)

and when so amended that said bill do pass.  
Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 567, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 11, line 31, delete "fund or" and insert "**fund,**".

Page 11, line 32, after "school," insert "**or voluntary parent fees,**".

(Reference is to SB 567 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

LUBBERS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 339, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 7.1-1-3-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 18.5. "Grocery store" means a store or part of a store that:**

- (1) has the primary North American Industry Classification System (NAICS) classification 445110, 452910, 445120, or 447110; or**
- (2) offers for sale all of the following:**
  - (A) Fine wines.**
  - (B) Specialty beers.**
  - (C) Gourmet cooking and wine accessories.**
  - (D) Meats.**
  - (E) Cheeses.**
  - (F) Packaged specialty foods.**

SECTION 2. IC 7.1-3-5-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. Notwithstanding IC 7.1-1-3-18.5, the commission may renew or transfer ownership of a beer dealer's permit for a beer dealer who:**

- (1) held a permit before July 1, 2007; and**
- (2) does not qualify for a permit as a grocery store under IC 7.1-1-3-18.5.**

SECTION 3. IC 7.1-3-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7. (a) The holder of a liquor dealer's permit shall be entitled to purchase liquor only from a permittee entitled to sell to a liquor dealer under this title.**

**(b) A liquor dealer shall be entitled to possess liquor and sell it at retail in its original package to a customer only for consumption off the licensed premises.**

**(c) This subsection does not apply to a package liquor store. Liquor shall be displayed in a designated area separated from the area where nonalcoholic retail merchandise is displayed. A minor may not enter the designated area without a parent or guardian who is at least twenty-one (21) years of age. The designated area shall be monitored by an employee who, as part of the employee's job responsibilities, shall ensure that a minor does not enter the designated area without a parent or guardian who is at least twenty-one (21) years of age.**

**(d) A liquor dealer may deliver liquor only in permissible containers to a customer's residence or office in a quantity that does not exceed twelve (12) quarts at any one (1) time. However, a liquor dealer who is licensed under IC 7.1-3-10-4 may deliver liquor in permissible containers to a customer's residence, office, or designated location. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.**

**(e) A liquor dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. However, a liquor dealer that is a drug store may sell prescription drugs and health and beauty aids through a window in the licensed premises to a patron who is outside the licensed premises.**

SECTION 4. IC 7.1-3-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. ~~Dealers' Permits Limited.~~ (a) The commission may grant only one (1):**

- (1) beer dealer's permit in an incorporated city, town, or unincorporated town for each four thousand (4,000) persons, or fraction thereof, within the incorporated city, town, or unincorporated town; and ~~one (1)~~**
- (2) liquor dealer's permit in an incorporated city, town, or unincorporated town for each one thousand five hundred (1,500) persons, or fraction thereof, within the incorporated city, town, or unincorporated town.**

**(b) Notwithstanding subsection (a), the commission may renew or transfer a beer dealer's or liquor dealer's permit for a beer dealer or liquor dealer who:**

- (1) held a permit before July 1, 2007; and**
- (2) does not qualify for a permit under the quota restrictions in subsection (a).**

SECTION 5. IC 7.1-4-4.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1. The alcohol and tobacco commission shall issue an annual registration of a primary source of supply (as defined in IC 7.1-1-3-32.5) without charge, for an annual fee of one thousand dollars (\$1,000). All fees collected under this section shall be deposited in the commission's enforcement and administration fund under IC 7.1-4-10.**

SECTION 6. IC 7.1-4-7-4, AS AMENDED BY P.L.224-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. (a) Except as provided in subsection (b), the chairman and the department shall deposit the money collected under sections 1, 2, and 3 of this chapter daily with the treasurer of state, and not later than the fifth day of the following**

month shall cover:

- (1) thirty-four percent (34%) of the money collected under section 1 of this chapter into the enforcement and administration fund established under IC 7.1-4-10-1; and
- (2) sixty-six percent (66%) of the money collected under section 1 of this chapter and money collected under sections 2 and 3 of this chapter into the state general fund for state general fund purposes.

(b) The chairman and the department shall deposit all money collected under IC 7.1-2-5-3, IC 7.1-2-5-8, IC 7.1-3-17.5, IC 7.1-3-17.7, IC 7.1-3-22-9, **IC 7.1-4-4.1-1**, and IC 7.1-4-4.1-5 daily with the treasurer of state, and not later than the fifth day of the following month shall cover the money into the enforcement and administration fund established under IC 7.1-4-10-1.

SECTION 7. IC 7.1-5-7-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 16. The commission shall conduct random unannounced inspections at locations where alcoholic beverages are sold or distributed to ensure compliance with this title. Only the commission, an Indiana law enforcement agency, the office of the sheriff of a county, or an organized police department of a municipal corporation may conduct the random unannounced inspections. These entities may use retired or off duty law enforcement officers to conduct inspections under this section.**

SECTION 8. IC 7.1-5-7-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 17. (a) Notwithstanding any other law, an enforcement officer vested with full police powers and duties may engage a person who is:**

- (1) at least eighteen (18) years of age; and
- (2) less than twenty-one (21) years of age;

**to receive or purchase alcoholic beverages as part of an enforcement action under this article.**

**(b) The initial or contemporaneous receipt or purchase of an alcoholic beverage under this section by a person described in subsection (a) must:**

- (1) occur under the direction of an enforcement officer vested with full police powers and duties; and
- (2) be a part of the enforcement action.

SECTION 9. IC 35-46-1-10.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 10.1. (a) If a permittee or an agent or employee of a permittee violates IC 7.1-5-7-8 on the licensed premises, in addition to any other penalty, a civil judgment may be imposed as follows:**

- (1) If the licensed premises at that specific business location has not been issued a citation or summons for a violation of this section in the previous ninety (90) days, a civil penalty of one hundred fifty dollars (\$150).
- (2) If the licensed premises at that specific business location has had one (1) citation or summons issued for a violation of this section in the previous ninety (90) days, a civil penalty of two hundred fifty dollars (\$250).
- (3) If the licensed premises at that specific business location has had two (2) citations or summonses issued for a violation of this section in the previous ninety (90) days, a civil penalty of five hundred dollars (\$500).

- (4) If the licensed premises at that specific business location has had three (3) or more citations or summonses issued for a violation of this section in the previous ninety (90) days, a civil penalty of seven hundred fifty dollars (\$750).

**A permittee may not be issued a citation or summons for a violation of this section more than once every twenty-four (24) hours.**

**(b) The defenses set forth in IC 7.1-5-7-5.1 are available to a permittee in an action under this section.**

**(c) Unless a person less than twenty-one (21) years of age buys or receives an alcoholic beverage under the direction of a law enforcement officer as part of an enforcement action, a permittee that sells alcoholic beverages is not liable for a violation of this section unless the person less than twenty-one (21) years of age who bought or received the alcoholic beverage is charged for violating IC 7.1-5-7-7.**

(Reference is to SB 339 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Commerce, Public Policy & Interstate Cooperation.

LONG, Chair

Report adopted.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 25

Senate Concurrent Resolution 25, introduced by Senators Deig, Hume, and Becker:

A CONCURRENT RESOLUTION urging the Indiana department of transportation to designate a portion of State Road 69 in Posey County as the "Senator Joseph F. O'Day Memorial Highway".

*Whereas, Senator Joseph Franklin O'Day was born April 12, 1915, in Mt. Carmel, Wabash County, Illinois;*

*Whereas, Senator O'Day attended Mt. Carmel schools;*

*Whereas, Senator O'Day moved to Indiana in 1933 and Evansville in Vanderburgh County in 1941;*

*Whereas, Senator O'Day was an active participant in the community of Evansville where he held several offices, including membership on the Evansville City Council for 14 years and clerk of the Vanderburgh Circuit Court for eight years;*

*Whereas, Senator O'Day, a loyal Democrat, was the Vanderburgh County Democratic Central Committee chairman from 1961-1974, a Democratic National Convention delegate, and a member of the Vanderburgh County Board of Voter Registration;*

*Whereas, Senator O'Day was first elected to the Indiana Senate in 1974, where he served continuously until his death;*



*Whereas, As a member of the Senate, he served ably on the Ethics Committee, Financial Institutions Committee, Insurance and Interstate Cooperations Committee, and Roads and Transportation Committee, as the ranking minority member;*

*Whereas, Among Senator O'Day's legislative areas of interest were insurance, transportation, and public policy;*

*Whereas, Senator O'Day was equally concerned with the well-being of his community where he was a member of the Hadi Shrine, Lessing Masonic Lodge No.464, NoRuz Grotto, and Scottish Rite;*

*Whereas, Senator O'Day served his community and his state with honor and distinction, making Indiana a better place to live and enriching the lives of everyone with whom he came in contact; and*

*Whereas, The citizens of Indiana mourn the loss of such a great public servant and human being and wish to remember him and his accomplishments: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the service of Senator Joseph F. O'Day to our state and our nation be commemorated by asking the Indiana department of transportation to designate State Road 69 in Posey County from the south end of the Thomas F. Mumford Memorial Highway south to the William Keck Memorial Highway as the "Senator Joseph F. O'Day Memorial Highway".

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the commissioner of the Indiana department of transportation.

The resolution was read in full and referred to the Committee on Homeland Security, Transportation and Veterans Affairs.

#### **Senate Concurrent Resolution 26**

Senate Concurrent Resolution 26, introduced by Senator Lubbers:

A CONCURRENT RESOLUTION urging the establishment of a study committee on the future of higher education in Indiana.

*Whereas, In September 2005, United States Secretary of Education Margaret Spellings appointed the Commission on the Future of Higher Education, which was charged with developing a comprehensive national strategy for postsecondary education;*

*Whereas, The Commission issued its final report in September 2006, calling for national and state-level action to improve college accessibility and affordability while reducing the cost of educational delivery, improving and assessing student learning, promoting innovation and entrepreneurship, and increasing institutional transparency and accountability;*

*Whereas, Over 150 educational and governmental leaders and policymakers from throughout the Midwest and beyond met in*

*Indianapolis on November 13 and 14, 2006, in a policy summit convened by the Midwestern Higher Education Compact;*

*Whereas, Indiana currently ranks behind many of the ten other states in the Midwestern Higher Education Compact on various measures of college preparation and completion of college degrees, as well as in the percentage of state citizens who have earned bachelor's degrees;*

*Whereas, A strong relationship exists between the education level of a state's citizenry and the state's economic and societal health and well-being; and*

*Whereas, The vast majority of jobs created in the future will require a college degree or some other form of advanced technical training, and continued and enhanced efforts are needed to raise the education level of Hoosiers: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes the value of higher education to Indiana's future, supports an ongoing discussion of the general recommendations included in the final report of the Commission on the Future of Higher Education, and encourages the Indiana Commission for Higher Education, the colleges and universities in Indiana, the Indiana Roundtable for Education, and all other related agencies and entities in the state to advance the Commission's recommendations, including:

- (1) improving college access and affordability;
- (2) reducing the cost of educational delivery;
- (3) improving institutional and system efficiencies;
- (4) developing systems for assessing student learning;
- (5) promoting innovation and entrepreneurship; and
- (6) increasing institutional transparency and accountability.

SECTION 2. That the committee, if established, shall:

- (1) continue discussion and dialogue on the report and recommendations of the Commission on the Future of Higher Education, including an honest appraisal of the known and potential obstacles to advancing and fulfilling the various recommendations, in particular those listed in Section 1;
- (2) identify individual and collaborative strategies for removing and overcoming these obstacles;
- (3) develop action plans, time lines, and specific, measurable performance benchmarks for achieving the recommendations;
- (4) share and promote proven strategies and promising practices for achieving and sustaining improved levels of performance in higher education; and
- (5) report to the General Assembly by November 1.

The resolution was read in full and referred to the Committee on Education and Career Development.

#### **Senate Concurrent Resolution 18**

Senate Concurrent Resolution 18, introduced by Senator Weatherwax:

A CONCURRENT RESOLUTION honoring Pike Lumber on receiving the 2006 Forest Stewardship Award.

*Whereas, Pike Lumber received the highly coveted 2006 Forest Stewardship Award at the conclusion of the National Hardwood Lumber Association's convention in San Antonio, Texas;*

*Whereas, Pike Lumber is one of Indiana's largest hardwood lumber companies with plants in Akron and Carbon and satellite offices in Auburn and Batesville, Indiana;*

*Whereas, Pike Lumber and company president, James Mulligan, employ some 180 Hoosiers, including 20 foresters. The company now owns more than 100 tracts of forest land and manages thousands of acres for private owners;*

*Whereas, Pike Lumber partners with educational institutions, including Purdue University's Department of Forest and Natural Resources, on programs fostering public forest education and research;*

*Whereas, James Steen, Vice President and manager of Pike Lumber's facility in Carbon, Indiana, worked with Senator Weatherwax and others to pass the toughest Right to Practice Forestry Bill in the United States;*

*Whereas, Pike Lumber employees donate countless hours to educate non-industrial private forest land owners about forest management and forest stewardship. Many of these employees also joined the Akron Lions Club to help plant nearly 500 trees throughout Akron, Indiana;*

*Whereas, Pike Lumber practices sustainable forestry, harvesting no more volume than is grown in any ten-year period. The company protects special trees of high quality and exceptional characteristics to provide a seed source for future generations;*

*Whereas, Pike Lumber crews leave the forest in a better condition than they found it by creating openings for growth that stimulate a forest's regeneration; and*

*Whereas, Pike Lumber's achievements in public education regarding forest stewardship, political involvement, exemplary forest management practices and efficient utilization of forest resources are commendable and deserve recognition: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the General Assembly of the State of Indiana recognizes and honors Pike Lumber on receiving the National Forest Stewardship Award.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Pike Lumber Company President, James Mulligan; Executive Vice President, John Brown; and Vice President, James Steen.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Friend, Gutwein, Duncan, and Thomas.

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1232, 1243, and 1425 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY  
Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 14 and the same is herewith transmitted for further action.

CLINTON MCKAY  
Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 13, 14, and 24 and the same are herewith returned to the Senate.

CLINTON MCKAY  
Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 15 and the same is herewith transmitted for further action.

CLINTON MCKAY  
Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 11 and the same is herewith returned to the Senate.

CLINTON MCKAY  
Principal Clerk of the House

#### MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1017, 1037, 1082, 1132, 1146, 1195, 1203, 1264, 1281, 1291, 1327, 1508, and 1723 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY  
Principal Clerk of the House

### RESOLUTIONS ON SECOND READING

#### Senate Joint Resolution 7

Senator Hershman called up Senate Joint Resolution 7 for

second reading. The resolution was read a second time by title.

SENATE MOTION  
(Amendment 7-2)

Madam President: I move that Senate Joint Resolution 7 be amended to read as follows:

Page 1, line 8, delete "(a)".

Page 1, delete lines 10 through 12.

(Reference is to SJR 7 as printed February 2, 2007.)

BRODEN

Motion failed. The resolution was ordered engrossed.

## SENATE BILLS ON SECOND READING

### Senate Bill 1

Senator Wyss called up Senate Bill 1 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 1-6)

Madam President: I move that Senate Bill 1 be amended to read as follows:

Page 8, between lines 4 and 5, begin a new line block indented and insert:

**"(3) Issuing a request for proposals for or entering into a public-private agreement concerning a project other than either or both of the following:**

**(A) The Indiana Commerce Connector, a limited access facility beginning at Interstate Highway 69 in Madison County and ending at Interstate Highway 70 in Hendricks County or Morgan County.**

**(B) The Illiana Expressway, a limited access facility connecting Interstate Highway 94 in northwestern Indiana with Interstate Highway 57 in Illinois."**

(Reference is to SB 1 as printed February 2, 2007.)

WYSS

Motion prevailed.

SENATE MOTION  
(Amendment 1-5)

Madam President: I move that Senate Bill 1 be amended to read as follows:

Page 2, delete lines 2 through 11, begin a new paragraph and insert:

**"(b) (1) One (1) of the members appointed under subsection (a)(1) and one of the members appointed under subsection (a)(2) must represent a district which encompasses all or part of Lake County.**

**(2) One (1) of the members appointed under subsection (a)(1) and one of the members appointed under subsection (a)(2) must represent a district which encompasses all or part of Porter County.**

**(3) One (1) of the members appointed under subsection (a)(1) and one of the members appointed under subsection (a)(2) must represent a district which encompasses all or part**

**of LaPorte County.**

**(4) One (1) of the members appointed under subsection (a)(1) and one of the members appointed under subsection (a)(2) must represent a district which encompasses all or part of Starke, Newton or Jasper County."**

(Reference is to SB 1 as printed February 2, 2007.)

TALLIAN

Motion prevailed.

SENATE MOTION  
(Amendment 1-4)

Madam President: I move that Senate Bill 1 be amended to read as follows:

Page 2, line 31, after "meet" insert **"at least once per year"**.

Page 2, line 31, after "chairperson" insert **"or upon the request of four (4) members"**.

Page 5, line 3, after "meet" insert **"at least once per year"**.

Page 5, line 3, after "chairperson" insert **"or upon the request of four (4) members"**.

(Reference is to SB 1 as printed February 2, 2007.)

TALLIAN

The Chair ordered a division of the Senate. Yeas 16, nays 33.

Motion failed.

SENATE MOTION  
(Amendment 1-8)

Madam President: I move that Senate Bill 1 be amended to read as follows:

Page 4, after line 24, begin a new paragraph and insert:

**"(c) At least one (1) member appointed under subsection (a)(1) and at least one (1) member appointed under subsection (a)(2) must represent a legislative district located in whole or in part in Marion County."**

Page 4, line 25, delete (c) and insert **"(d)"**.

Page 4, line 39, after "project" insert **", a limited access facility beginning at Interstate Highway 69 in Madison County and ending at Interstate Highway 70 in Hendricks or Morgan County"**

Page 5, line 29, after "issues" insert **", including whether eminent domain procedures for private economic development will apply"**.

Page 6, delete lines 41 through 42.

Page 7, delete lines 1 through 3.

Page 7, line 4, delete "(B) The" and insert **"the"**.

Page 8, line 22, delete "either or both of the following:".

Page 8, delete lines 23 through 26.

Page 8, line 27, delete "(B) The" and insert **"the"**.

Page 11, line 36, after "than" insert **"the Illiana Expressway, a limited access facility connecting Interstate Highway 94 in northwestern Indiana with Interstate Highway 57 in Illinois"**.

Page 11, line 39, delete "either or both of"

Page 11, line 40, delete "the following".

Page 11, line 40, delete ":" and insert **"."**.

Page 11, delete lines 41 through 42.

Page 12, delete lines 1 through 5.

(Reference is to SB 1 as printed February 2, 2007.)

# BREAUX

Upon request of Senator Breaux the President ordered the roll of the Senate to be called. Roll Call 64: yeas 19, nays 29.

Motion failed. The bill was ordered engrossed.

## Senate Bill 29

Senator Waltz called up Senate Bill 29 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## Senate Bill 191

Senator Miller called up Senate Bill 191 for second reading. The bill was read a second time by title.

# SENATE MOTION (Amendment 191-1)

Madam President: I move that Senate Bill 191 be amended to read as follows:

Page 6, between lines 15 and 16, begin a new paragraph and insert:

**"(f) Except as provided in subsection (g), the information required to be available under subsection (a) must be completed not later than fourteen (14) days after the completion of:**

- (1) the autopsy; or**
- (2) if applicable, any other report, including a toxicology report, requested by the coroner as part of the coroner's investigation;**

**whichever is completed last.**

**(g) The prosecuting attorney may petition a circuit or superior court for an order prohibiting the coroner from publicly disclosing the information required in subsection (a). The prosecuting attorney shall serve a copy of the petition on the coroner.**

**(h) Upon receipt of a copy of the petition described in subsection (g), the coroner shall keep the information confidential until the court rules on the petition.**

**(i) The court shall grant a petition filed under subsection (g) if the prosecuting attorney proves by a preponderance of the evidence that public access or dissemination of the information specified in subsection (a) would create a significant risk of harm to the criminal investigation of the death. The court shall state in the order the reasons for granting or denying the petition. An order issued under this subsection must use the least restrictive means and duration possible when restricting access to the information. Information to which access is restricted under this subsection is confidential.**

**(j) Any person may petition the court to modify or terminate an order issued under subsection (i). The petition for modification or termination must allege facts demonstrating that:**

- (1) the public interest will be served by allowing access; and**
- (2) access to the information specified in subsection (a) would not create a significant risk to the criminal investigation of the death.**

**The person petitioning the court for modification or termination shall serve a copy of the petition on the prosecuting attorney and the coroner.**

**(k) Upon receipt of a petition for modification or termination filed under subsection (j), the court may:**

- (1) summarily grant, modify, or dismiss the petition; or**
- (2) set the matter for hearing.**

**If the court sets the matter for hearing, upon the motion of any party or upon the court's own motion, the court may close the hearing to the public.**

**(l) If the person filing the petition for modification or termination proves by a preponderance of the evidence that:**

- (1) the public interest will be served by allowing access; and**
- (2) access to the information specified in subsection (a) would not create a significant risk to the criminal investigation of the death;**

**the court shall modify or terminate its order restricting access to the information. In ruling on a request under this subsection, the court shall state the court's reasons for granting or denying the request."**

Page 6, line 18, after "The" insert **"coroners training board established by IC 4-23-6.5-3, in consultation with the"**.

Page 6, line 18, delete "under".

Page 6, delete line 19.

Page 6, line 28, after "The" insert **"coroners training board, in consultation with the"**.

Page 6, line 38, delete "Indiana law enforcement academy" and insert **"coroners training board"**.

Page 6, line 38, delete ":".

Page 6, delete lines 39 through 40.

Page 6, line 41, delete "(2)".

Page 6, run in lines 38 through 41.

Page 7, line 8, delete "Indiana law enforcement academy" and insert **"coroners training board"**.

(Reference is to SB 191 as printed February 2, 2007.)

MILLER

Motion prevailed. The bill was ordered engrossed.

## Senate Bill 327

Senator Lawson called up Senate Bill 327 for second reading. The bill was read a second time by title.

# SENATE MOTION (Amendment 327-5)

Madam President: I move that Senate Bill 327 be amended to read as follows:

Page 2, line 5, after "(b)." insert **"The information must include the following:**

- (1) The latest scientific information on the immunization against the human papillomavirus (HPV) infection and the immunization's effectiveness against causes of cervical cancer.**
- (2) That a pap smear is still critical for the detection of precancerous changes in the cervix to allow for treatment before cervical cancer develops.**

(3) Information concerning the means in which the human papillomavirus (HPV) infection is contracted.

(4) A statement that any questions or concerns concerning immunizing the child against human papillomavirus (HPV) could be answered by contacting a health care provider."

(Reference is to SB 327 as printed February 2, 2007.)

LAWSON

Motion prevailed.

SENATE MOTION  
(Amendment 327-4)

Madam President: I move that Senate Bill 327 be amended to read as follows:

Page 2, line 5, after "(b)." insert "The information must include the following:

(1) That the immunization against the human papillomavirus (HPV) infection is effective against seventy percent (70%) of the causes of cervical cancer and that a pap smear is still critical for the detection of precancerous changes in the cervix to allow for treatment before cervical cancer develops.

(2) Information concerning abstinence, and that the immunization is a sexually transmitted disease immunization that is effective against the 6, 11, 16, and 18 HPV strands that cause genital warts or cervical cancer.

(3) That parents should discuss with a pediatrician or family physician any questions or concerns the parents may have concerning immunizing their child against the human papillomavirus (HPV)."

(Reference is to SB 327 as printed February 2, 2007.)

DROZDA

Motion failed.

SENATE MOTION  
(Amendment 327-1)

Madam President: I move that Senate Bill 327 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning immunizations.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the interim study committee on the immunization of HPV established by this SECTION.

(b) As used in this SECTION, "HPV" refers to the human papillomavirus.

(c) The interim study committee on the immunization of HPV is established. The committee shall study the following:

(1) Whether the HPV immunization should be required for Indiana children. If the committee determines that the immunization should be required:

(A) the age group in which the requirement should apply;

(B) the gender to which the requirement should apply;

and

(C) whether the requirement should be tied to a child's attendance at an Indiana school.

(2) The parental consent issue in immunizing a child against HPV.

(3) The federal Food and Drug Administration's possible recommendation of immunizing boys in addition to immunizing girls against HPV.

(4) The effects of the HPV immunization on children ranging from at least nine (9) years of age through less than seventeen (17) years of age.

(d) The committee shall operate under the policies governing study committees adopted by the legislative council.

(e) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(f) This SECTION expires November 1, 2007.

SECTION 2. An emergency is declared for this act.

(Reference is to SB 327 as printed February 2, 2007.)

DROZDA

Motion failed.

SENATE MOTION  
(Amendment 327-3)

Madam President: I move that Engrossed Senate Bill 327 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health and education.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-42-25 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 25. Administration of HPV Immunizations**

**Sec. 1. Only a physician licensed under IC 25-22.5 may administer the immunization against human papillomavirus (HPV)."**

Renumber all SECTIONS consecutively.

(Reference is to SB 327 as printed February 2, 2007.)

DROZDA

Motion failed. The bill was ordered engrossed.

**ENGROSSED SENATE BILLS  
ON THIRD READING**

**Engrossed Senate Bill 4**

Senator Miller called up Engrossed Senate Bill 4 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 65: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Tincher and Buell.

#### **Engrossed Senate Bill 9**

Senator Heinold called up Engrossed Senate Bill 9 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 66: yeas 37, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Kuzman and Soliday.

#### **Engrossed Senate Bill 14**

Senator Jackman called up Engrossed Senate Bill 14 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 67: yeas 42, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Austin and Duncan.

#### **Engrossed Senate Bill 19**

Senator Steele called up Engrossed Senate Bill 19 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 68: yeas 39, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Welch and Koch.

#### **Engrossed Senate Bill 56**

Senator Lubbers called up Engrossed Senate Bill 56 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 69: yeas 39, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Goodin and Behning.

#### **Engrossed Senate Bill 128**

Senator M. Young called up Engrossed Senate Bill 128 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 70: yeas 45, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Tyler and Buell.

#### **Engrossed Senate Bill 136**

Senator Miller called up Engrossed Senate Bill 136 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 71: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives C. Brown and Buell.

#### **Engrossed Senate Bill 204**

Senator Miller called up Engrossed Senate Bill 204 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 72: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Fry and Buell.

#### **Engrossed Senate Bill 206**

Senator Gard called up Engrossed Senate Bill 206 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 73: yeas 29, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Stevenson and Behning.

### Engrossed Senate Bill 283

Senator Lubbers called up Engrossed Senate Bill 283 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 74: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Mays, Noe, and Crouch.

SENATE MOTION

Madam President: I move that Senator Errington be added as coauthor of Senate Bill 503.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Errington be added as coauthor of Senate Bill 105.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author and Senator Mrvan be added as third author of Senate Bill 135.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as second author and Senator Mrvan be added as third author of Senate Bill 194.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as

coauthor of Senate Bill 503.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as second author of Engrossed Senate Bill 136.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as second author of Senate Bill 201.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as second author of Engrossed Senate Bill 504.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as second author of Senate Bill 191.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Meeks be removed as second author of Senate Bill 466.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be removed as author of Senate Bill 466 and that Senator Meeks be substituted therefor.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Engrossed Senate Bill 14.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Merritt, Howard, and Breaux be added as coauthors of Senate Bill 38.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Delph and Howard be added as coauthors of Engrossed Senate Bill 283.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Jackman be added as coauthor of Senate Bill 327.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Bray, Kruse, Nugent, and R. Young be added as coauthors of Senate Concurrent Resolution 18.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be added as coauthor of Senate Bill 264.

WALKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as third author and Senator Rogers be added as coauthor of Senate Bill 503.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as coauthor of Engrossed Senate Bill 408.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Steele and Lanane be added as coauthors of Senate Bill 125.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as coauthor of Senate Bill 551.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as coauthor of Senate Bill 550.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as coauthor of Senate Bill 550.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lewis be added as coauthor of Senate Bill 185.

ERRINGTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as third author of Senate Bill 271.

SIPES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lewis be added as coauthor of Senate Bill 271.

SIPES

Motion prevailed.

**REPORT OF THE PRESIDENT  
PRO TEMPORE**

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Senate Bill 238, currently assigned to the Committee on Corrections, Criminal, and Civil Matters, be reassigned to the Committee on Economic Development and Technology.

LONG

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1242,



1300, 1338, 1349, 1388, 1486, 1578, and 1678 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY  
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 18 and the same is herewith returned to the Senate.

CLINTON MCKAY  
Principal Clerk of the House

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, February 12, 2007.

LONG

Motion prevailed.

The Senate adjourned at 4:59 p.m.

MARY C. MENDEL  
Secretary of the Senate

REBECCA S. SKILLMAN  
President of the Senate